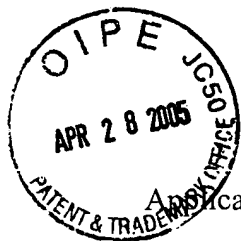


04-29-05

IFW



# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert J. Oliveira et al.

Confirmation No.: 2680

Serial No.: 10/729,715

Examiner: P. Dabney

Filing Date: December 5, 2003

Group Art Unit: 2643

Docket No.: 1043.1108101

Customer No.: 28075

For: USER DISPOSABLE SLEEVE FOR USE WITHIN THE EAR CANAL

## **TRANSMITTAL SHEET**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**CERTIFICATE UNDER 37 C.F.R. 1.10:** The undersigned hereby certified that this paper or papers, as described herein are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of: EV 314496937 US in an envelope addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 28th day of April 2005.

By Kathleen L. Boekley  
Kathleen L. Boekley

We are transmitting herewith the attached:

☐ Amendment☐ No additional claim fee required☐ The claim fee has been calculated as shown:

CLAIMS AS AMENDED							
				SMALL ENTITY		OTHER	
	REMAINING CLAIMS	HIGHEST PAID	EXTRA	RATE	ADD'L FEE	RATE	ADD'L FEE
TOTAL CLAIMS	-	=		X 25 =	\$	X 50 =	\$
INDEPENDENT CLAIMS	-	=		X 100 =	\$	X 200 =	\$
( ) FIRST MULTIPLE DEPENDENT CLAIM				+ 180 =	\$	+ 360 =	\$
TOTAL				\$		\$	

[XX] Small entity status of this application under 37 C.F.R. §§ 1.9 and 1.27 has been established.

[ ] A check in the amount of \$\_\_\_\_\_ is enclosed. Itemization:

Fee Code \_\_\_\_\_ \$

Fee Code \_\_\_\_\_ \$

Fee Code \_\_\_\_\_ \$

[XX] Other: INFORMATION DISCLOSURE STATEMENT, CERTIFICATION FOR INFORMATION DISCLOSURE STATEMENT, FORM PTO-1449 AND 1 CITED FOREIGN REFERENCE.

[XX] Return Receipt Postcard (MPEP 503).

[XXXX] Please charge any deficiencies or credit any overpayment in the enclosed fees to Deposit Account No. 50-0413.

By:   
David M. Crompton, Reg. No. 36,772

David M. Crompton  
CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, MN 55403-2420  
Telephone: (612) 677-9050  
Facsimile: (612) 359-9349



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Robert J. Oliveira et al. Confirmation No.: 2680  
In re: Examiner: P. Dabney  
Serial No.: 10/729,715 Group Art Unit: 2643  
Filing Date: December 5, 2003 Customer No.: 28075  
Docket No.: 1043.1108101  
For: USER DISPOSABLE SLEEVE FOR USE WITHIN THE EAR CANAL  
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

**CERTIFICATE UNDER 37 C.F.R. 1.10:** The undersigned hereby certified that this paper or papers, as described herein are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of: EV 314496937 US in an envelope addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 28th day of April 2005.

By Kathleen L. Bookley  
Kathleen L. Bookley

Dear Sir:

Pursuant to the obligations of candor and good faith imposed by 37 C.F.R. § 1.56, the documents listed on the attached PTO-1449 are hereby disclosed.

In accordance with 37 C.F.R. § 1.98(a)(2), a copy of each non-U.S. patent/publication document or other information listed on the enclosed Form PTO-1449 is provided.

No representation is intended to be made hereby that any of the cited references establishes, by itself or in combination with other information, a prima facie case of unpatentability of any claim of the present case.

Respectfully submitted,

Robert J. Oliveira et al.

By their Attorney,

David M. Crompton

David M. Crompton, Reg. No. 36,772  
CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, MN 55403-2420  
Telephone: (612) 677-9050

Date: 4/28/05



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Robert J. Oliveira et al.

Confirmation No.: 2680

Serial No.: 10/729,715

Examiner: P. Dabney

Filing Date: December 5, 2003

Group Art Unit: 2643

Docket No.: 1043.1108101

Customer No.: 28075

For: USER DISPOSABLE SLEEVE FOR USE WITHIN THE EAR CANAL

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATION FOR INFORMATION DISCLOSURE STATEMENT**  
**(37 C.F.R. § 1.97(e)(1))**

**CERTIFICATE UNDER 37 C.F.R. 1.10:** The undersigned hereby certified that this paper or papers, as described herein are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of: EV 314496937 US in an envelope addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 28th day of April 2005.

By Kathleen L. Boekley  
Kathleen L. Boekley

Dear Sir:

This certification is being made for the Information Disclosure Statement accompanying this certification.

**CERTIFICATION**

I, the person signing below, certify that each item of the information contained in the Information Disclosure Statement submitted herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement (37 C.F.R. § 1.97(e)(1)).

Further, I state that the aforementioned foreign communication was not received by any individual designated in § 1.56(c) more than thirty (30) days prior to the filing of the Information Disclosure Statement.

The person making this certification is a person who is the attorney who signs below on the basis of the information in the attorney's file.

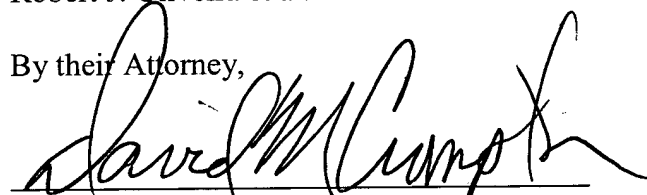
Respectfully submitted,

Robert J. Oliveira et al.

By their Attorney,

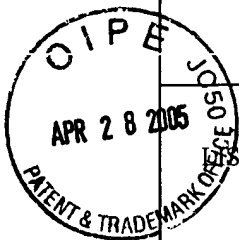
Date: \_\_\_\_\_

4/28/05

A handwritten signature in black ink, appearing to read "David M. Crompton", is written over a horizontal line.

David M. Crompton, Reg. No. 36,772  
CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, MN 55403-2420  
Telephone: (612) 677-9050  
Facsimile: (612) 359-9349

<b>FORM PTO-1449</b>  LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	Atty. Docket No.: 1043.1108101	Serial No.: 10/729,715
	Applicant: Robert J. Oliveira et al.	
	Confirmation No.: 2680	
	Filing Date: December 5, 2003	Group Art: 2643



### U.S. PATENT DOCUMENTS

Examiner Initial	Document No.	Date	Name	Filing Date If Appropriate
AA	4,864,610	09/05/1989	Stevens	
AB	2001/0017230 A1	08/30/2001	Brimhall et al.	

### FOREIGN PATENT DOCUMENTS

	Document No.	Date	Country	Translation Yes No
AC	WO 99/07182 A2	02/11/1999	WIPO	

### OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.